

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

KENNON BRADFORD

Plaintiff,

VS.

Case No. 11-3072-CV-S-Red-P

MARTY C. ANDERSON,

Defendant.

PLAINTIFF RESPONSE TO SUMMARY JUDGMENT

Now COMES, Plaintiff KENNON BRADFORD prose in the above case moves that summary judgment be entered in favor of Plaintiff for the following reasons.

1. When the plaintiff was placed in the Special Housing Unit (SHU) ~~and was~~ assigned to a top bunk staff did not review plaintiff medical needs and what medical conditions/restrictions ~~that was~~ in place for the plaintiff. As order and documented since 9-1-05 the following restrictions was put in place for the plaintiff was, "No Ladders/No Upper Bunk, Lower Bunk Required, No Food Service Work, Regular Duty W/Me Restriction, Soft Shoes Only, Special Diet - Medical Cond, NO Prolonged Standing, Weight - No Lifting Over 15 LBS (see Exhibits 1-3) The plaintiff PROGRAM REVIEW REPORTS will show that the plaintiff did have a "No Upper Bunk Order" in place at the time of the ~~that~~ accident and that staff did not do any kind of review to see where and how to ~~housed~~ the plaintiff. Which shows the negligent on staff ~~not doing~~ their jobs.

2. The PROGRAM REVIEW REPORTS (Exhibits 1-3) will show al

the plaintiff medical restrictions and when was the restrictions ~~was~~ order and put in placed. The defendant alleged that the plaintiff did not have a lower bunk order. The record will show that a No Ladders/No Upper Bunk and Lower Bunk order/restriction was order and put in placed 9-1-05 at 11:04am (see Exhibit 1-3)

3. There is more than enough evidence shown in the plaintiff complaint that he was incorrectly instructed to take a suppository. The plaintiff stated everything that happen in his complaint and being told by staff to take the suppository by mouth is all apart of the plaintiff being placed in the top bunk. The defendant is trying to get the court to believe that falling ~~from the~~ <sup>from the</sup> bunk and taking the suppository is two ~~separate~~ <sup>different</sup> incidents. When they are both the same. The plaintiff was given the suppository because he was constipated from the pain medication that was prescribed to do the pain from the fall.

### Reason for Summary Judgment

The defendant alleges that the plaintiff did not have a lower bunk order. When the record/program review reports shows that a No ladders/No upper bunk and Lower bunk orders was put in placed ~~since~~ <sup>since</sup> 9-1-05 (Exhibits 1-3) The record/program review shows that staff did not do a review of the plaintiff medical needs and restrictions. Because if staff would have done a review of the plaintiff medical needs. Then they/staff would have known not to placed the plaintiff in the top bunk. Do to Staff not doing a review of the plaintiff medical record and seeing that the plaintiff had a lower bunk order. The plaintiff would ~~not have~~ <sup>not have</sup> been in a position where he could get hurt.

The defendant want the court to believe that being told by staff to take suppositories by mouth is a different incident from falling out the top bunk, when they are the same. The plaintiff wouldn't have had to take suppositories if the pain medication wouldn't have made him constipated, which the pain come from the fall. The plaintiff prays that this honorable Court grant summary judgment in plaintiff favor so that ~~this case can go to~~ <sup>they are</sup> trail and that the plaintiff then can get medical providers to testify that if staff here at the medical center would have review the plaintiff medical record and saw his needs, then the accident would have never happen and because of staff negligent ~~they are~~ responsible for plaintiff injuries. The plaintiff will have problems with his hip as time goes on and with all the other medical problems that the plaintiff have will make the plaintiff life harder to enjoy.

### Conclusion

Based on the foregoing, the plaintiff prays that this Honorable Court rule summary judgment in favor of the plaintiff.

This 30 day of September 2011

Respectfully submitted,

*K 2 B*

Kennon Bradford

Reg no. #26436-034

MCFP

P.O Box 4000

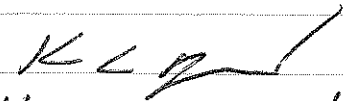
Springfield, MO 65801

CERTIFICATE OF SERVICE

I HEREBY CERTIFY UNDER THE PENALTY OF PERJURY  
THAT THE FOREGOING RESPONSE TO SUMMARY JUDGMENT  
HAS BEEN DELIVERED TO THE RESPONDENT IN THIS  
MATTER WHERE LAST KNOWN ADDRESS IS:

EARL W. BROWN III  
Assistant United States Attorney  
901 St. Louis Street, Suite 500  
Springfield, MO 65806-2511

This 30 day of September 2011

  
Kennon Bradford 26436034  
MCFP  
P.O. Box 4000  
Springfield, MO 65801



INSTITUTION: SPG SPRINGFIELD USMCFP

NAME.....: BRADFORD, KENNON  
RESIDENCE...: NEW ORLEANS, LA 70118

REG. NO: 26436-034

TYPE OF REVIEW.....: INITIAL CLASSIFICATION/PROGRAM REVIEW

NEXT REVIEW DATE....: 2-09

PROJ. RELEASE DATE...: 02-18-2023  
PAROLE HEARING DATE.: NONERELEASE METHOD.: GCT REL  
HEARING TYPE....: NONE

DATE OF NEXT CUSTODY REVIEW: Aug 09

DETAINERS (Y/N): N

CIM STATUS (Y/N)....: Y IF YES, RECONCILED (Y/N): yes

PENDING CHARGES.....: None Known

OFFENDER IS SUBJECT TO NOTIFICATION UNDER 18 U.S.C. 4042(B) (Y/N)....: yes

IF YES - CIRCLE ONE - DRUG TRAFFICKING/CURRENT VIOLENCE/PAST VIOLENCE  
CATEGORY - - - - - CURRENT ASSIGNMENT - - - - - EFF DATE TIME

CMA	PROG RPT	NEXT PROGRESS REPORT DUE DATE	08-01-2010	0858
CMA	RPP NEEDS	RELEASE PREP PGM NEEDS	01-21-2020	0922
CMA	V94 CVA913	V94 CURR VIOL ON/AFTER 91394	12-12-1999	1103
CUS	MAX	MAXIMUM CUSTODY	09-09-2004	0815
DRG	DRG E COMP	DRUG EDUCATION COMPLETED	06-26-2003	1128
DRG	DRG I RQ J	DRG INTRV REQD: JUD RECOMMEND	11-20-2001	1158
EDI	ESL HAS	ENGLISH PROFICIENT	12-06-1999	1919
EDI	GED EARNED	GED EARNED IN BOP	03-25-2004	1332
FRP	PART	FINANC RESP-PARTICIPATES	09-07-2007	0910
LEV	HIGH	SECURITY CLASSIFICATION HIGH	10-25-2001	0954
MDS	HGT RESTR	NO LADDERS/NO UPPER BUNK	09-01-2005	1104
MDS	LOWER BUNK	LOWER BUNK REQUIRED	09-01-2005	1104
MDS	NO F/S	NO FOOD SERVICE WORK	09-01-2005	1104
MDS	REG DUTY W	REGULAR DUTY W/MED RESTRICTION	05-29-2007	1347
MDS	SOFT SHOES	SOFT SHOES ONLY	09-01-2005	1104
MDS	SPEC DIET	SPECIAL DIET - MEDICAL COND	05-29-2007	1347
MDS	STAND RSTR	NO PROLONGED STANDING	09-01-2005	1104
MDS	WGT 15 LB	WEIGHT-NO LIFTING OVER 15 LBS	09-01-2005	1105
QTR	N02-034L	HOUSE N/RANGE 02/BED 034L	08-08-2008	1801
RLG	PROTESTANT	PROTESTANT	10-30-2002	2150
WRK	ADM DET	ADMINISTRATIVE DETENTION	08-08-2008	1808

WORK PERFORMANCE RATING: A/D

INCIDENT REPORTS SINCE LAST PROGRAM REVIEW: 8/5/08 397 phone abuse

11/24/07 312 - no violence

FRP PLAN/PROGRESS: TRUST FUND DEPOSITS PAST 6 MO: \$ 1,515.00

FRP PAYMENTS PAST 6 MO: \$ 60.00 OBLG BALANCE: \$ 1,745.00

CURRENT FRP PLAN: \$ 60.00/month PAYMENTS COMMENSURATE: YES / NO

IF NO, NEW PAYMENT PLAN: 40.00/month

RELEASE PREPARATION PARTICIPATION:

SPGS4  
PAGE 001

PROGRAM REVIEW REPORT

\* 02-12-2009  
08:05:26

INSTITUTION: SPG SPRINGFIELD USMCFP

NAME.....: BRADFORD, KENNON

REG. NO: 26436-034

RESIDENCE...: NEW ORLEANS, LA 70118

TYPE OF REVIEW.....: INITIAL CLASSIFICATION/PROGRAM REVIEW

NEXT REVIEW DATE.....: Aug 2009

PROJ. RELEASE DATE...: 04-14-2023

RELEASE METHOD.: GCT REL

PAROLE HEARING DATE.: NONE

HEARING TYPE...: NONE

DATE OF NEXT CUSTODY REVIEW: Aug 2009

DETAINERS (Y/N): N

CIM STATUS (Y/N)....: Y

IF YES, RECONCILED (Y/N): yes

PENDING CHARGES.....: none known

OFFENDER IS SUBJECT TO NOTIFICATION UNDER 18 U.S.C. 4042(B) (Y/N)....: yes

IF YES - CIRCLE ONE - DRUG TRAFFICKING/CURRENT VIOLENCE/PAST VIOLENCE

CATEGORY - - - - - CURRENT ASSIGNMENT - - - - - EFF DATE TIME

CMA	PROG RPT	NEXT PROGRESS REPORT DUE DATE	08-01-2010	0858
CMA	RPP NEEDS	RELEASE PREP PGM NEEDS	01-21-2020	0922
CMA	V94 CVA913	V94 CURR VIOL ON/AFTER 91394	12-12-1999	1103
CUS	MAX	MAXIMUM CUSTODY	09-09-2004	0815
DRG	DRG E COMP	DRUG EDUCATION COMPLETED	06-26-2003	1128
DRG	DRG I RQ J	DRG INTRV REQD: JUD RECOMMEND	11-20-2001	1158
EDI	ESL HAS	ENGLISH PROFICIENT	12-06-1999	1919
EDI	GED EARNED	GED EARNED IN BOP	03-25-2004	1332
FRP	PART	FINANC RESP-PARTICIPATES	09-07-2007	0910
LEV	HIGH	SECURITY CLASSIFICATION HIGH	10-25-2001	0954
MDS	HGT RESTR	NO LADDERS/NO UPPER BUNK	09-01-2005	1104
MDS	LOWER BUNK	LOWER BUNK REQUIRED	09-01-2005	1104
MDS	NO F/S	NO FOOD SERVICE WORK	09-01-2005	1104
MDS	REG DUTY W	REGULAR DUTY W/MED RESTRICTION	05-29-2007	1347
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MDS	SPEC DIET	SPECIAL DIET - MEDICAL COND	05-29-2007	1347
MDS	STAND RSTR	NO PROLONGED STANDING	09-01-2005	1104
MDS	WGT 15 LB	WEIGHT-NO LIFTING OVER 15 LBS	09-01-2005	1105
QTR	V02-031L	HOUSE V/RANGE 02/BED 031L	05-07-2009	1401
RLG	PROTESTANT	PROTESTANT	10-30-2002	2150
WRK	MED UNASSG	MEDICALLY UNASSIGNED	04-27-2009	1349

WORK PERFORMANCE RATING: med unassg

INCIDENT REPORTS SINCE LAST PROGRAM REVIEW: 12/12/08 307

FRP PLAN/PROGRESS: TRUST FUND DEPOSITS PAST 6 MO: \$ 1,239.00

FRP PAYMENTS PAST 6 MO: \$ 80.00 OBLG BALANCE: \$ 1,978.00

CURRENT FRP PLAN: \$ 30/mo PAYMENTS COMMENSURATE: YES X / NO

IF NO, NEW PAYMENT PLAN:

RELEASE PREPARATION PARTICIPATION: needs 1/2020

1258d  
21914X-7  
Exhibit 2

CCC RECOMMENDATION: will remain closed to release  
date

PROGRESS MADE SINCE LAST REVIEW: did not maintain clear  
conduct. Compliant with FRP  
and 2 hr checks

GOALS FOR NEXT PROGRAM REVIEW MEETING: \_\_\_\_\_

Maintain clear conduct  
Comply with FRP payments  
Comply with 2 hr checks

LONG TERM GOALS: \_\_\_\_\_

Comply with medical team recommendations  
Complete financial obligations

OTHER INMATE REQUESTS/TEAM ACTIONS: \_\_\_\_\_

DNA - need  
Diabetes type II  
Dialysis  
407-408 current  
SSC - needs

SIGNATURES:

CHAIRPERSON: Darla

INMATE: LLH

DATE: 2-12-09

DATE: 2-12-09

Exhibit 2 page 2

30000

INSTITUTION: SPG SPRINGFIELD USMCFP

NAME.....: BRADFORD, KENNON

REG. NO: 26436-034

RESIDENCE...: NEW ORLEANS, LA 70118

TYPE OF REVIEW.....: INITIAL CLASSIFICATION/PROGRAM REVIEW

NEXT REVIEW DATE.....: Sep 08

PROJ. RELEASE DATE...: 02-18-2023

RELEASE METHOD...: GCT REL

PAROLE HEARING DATE...: NONE

HEARING TYPE...: NONE

DATE OF NEXT CUSTODY REVIEW: JUN 08DETAINERS (Y/N): NCIM STATUS (Y/N).....: YIF YES, RECONCILED (Y/N): yesPENDING CHARGES.....: NONE KNOWNOFFENDER IS SUBJECT TO NOTIFICATION UNDER 18 U.S.C. 4042(B) (Y/N).....: yes

IF YES - CIRCLE ONE - DRUG TRAFFICKING/CURRENT VIOLENCE/PAST VIOLENCE

CATEGORY - - - - - CURRENT ASSIGNMENT - - - - - EFF DATE TIME

CMA	PROG RPT	NEXT PROGRESS REPORT DUE DATE	08-01-2010	0858
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DRG	DRG E COMP	DRUG EDUCATION COMPLETED	06-26-2003	1128
DRG	DRG I RQ J	DRG INTRV REQD: JUD RECOMMEND	11-20-2001	1158
EDI	ESL HAS	ENGLISH PROFICIENT	12-06-1999	1919
EDI	GED EARNED	GED EARNED IN BOP	03-25-2004	1332
FRP	PART	FINANC RESP-PARTICIPATES	09-07-2007	0910
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→ MDS	STAND RSTR	NO PROLONGED STANDING	09-01-2005	1104
→ MDS	WGT 15 LB	WEIGHT-NO LIFTING OVER 15 LBS	09-01-2005	1105
QTR	M01-010L	HOUSE M/RANGE 01/BED 010L	11-28-2007	0941
RLG	PROTESTANT	PROTESTANT	10-30-2002	2150
WRK	ADM DET	ADMINISTRATIVE DETENTION	12-18-2007	0050

WORK PERFORMANCE RATING: A/D

INCIDENT REPORTS SINCE LAST PROGRAM REVIEW: \_\_\_\_\_

312 - InsolenceNDV 2007FRP PLAN/PROGRESS: TRUST FUND DEPOSITS PAST 6 MO: \$ 1,440.00FRP PAYMENTS PAST 6 MO: \$ 120.00 OBLG BALANCE: \$ 1805.00CURRENT FRP PLAN: \$ 60.00/mo PAYMENTS COMMENSURATE: YES ✓ / NO \_\_\_\_\_

IF NO, NEW PAYMENT PLAN: \_\_\_\_\_

Exhibit 3



*Kennon Bradford*  
*#26436-034*

Medical Center for Federal Prisoners  
P.O. Box 4000  
Springfield, Missouri 65801-4000

SCREENED BY  
U.S. MARSHALS

6410512508

U.S. District Court  
Office of the Clerk  
1570 Whitaker Courthouse  
400 East Ninth Street  
Kansas City, MO 64106

SPRINGFIELD MO 65801

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